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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,930	12/10/2003	Hideki Tsutsui	245454US-2RD	7109
22850 7590 10/31/2007 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER PARRA, OMAR S	
			ART UNIT	PAPER NUMBER
			2623	
			NOTIFICATION DATE	DELIVERY MODE
			10/31/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/730,930	<b>Applicant(s)</b> TSUTSUI ET AL.	
	<b>Examiner</b> Omar Parra	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: ____  |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :12/10/2003;  
11/17/2006; 10/15/2007.

## DETAILED ACTION

### *Priority*

1. Acknowledgement is made of applicant's claim of priority over application No. 2002-358216 filed in Japan on December 10, 2002.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims **1-11 and 13-14** are rejected under 35 U.S.C. 102(e) as being anticipated by Nakano et al. (hereinafter 'Nakano', Pub. No. 2003/0070173).

Regarding claims 1 and 7, Nakano teaches a system that includes a media data audio-visual device for viewing media data, comprising **(Video recorder 11, Fig. 2, connected to a display device, which displays media data as shown in Figs. 1 or input/output device 51, Fig. 13):**

a plurality of client media data audio-visual devices each configured to display media data and metadata corresponding to the media data **([0175])**; and

a server configured to exchange data among the plurality of client media data audio-visual devices (**Delivery server 10, Fig. 2; [0048]-[0055]**), wherein each of the plurality of client media data audio-visual devices includes:

an audio-visual portion configured to display the media data (**Video recorder 11, Fig. 2, connected to a display device, which displays media data as shown in Figs. 1 or input/output device 51, Fig. 13**);

a metadata storing portion configured to store metadata corresponding to the media data (**Database 26, Fig. 3; [0041]-[0042], [0046]-[0049]**);

a communication portion configured to transmit the metadata externally and receive external metadata to be stored in the metadata storing portion (**Communications Interface 44, Fig. 13; [0042]; [0175]**) ; and

a display portion configured to display a time relationship between selected media data and selected metadata based on time data embedded in the media data and in the metadata (**When an image is sent or transmitted to the client, the database with the metadata is referenced to present the metadata with the content, [0036] lines 18-22; and given that the metadata contains time of presentation, etc, [0036] lines 1-17, both are related in time and are displayed to the user**);

wherein the server includes a metadata storing portion configured to store the metadata transmitted from the plurality of client media data audio-visual devices (**Database 34, Fig. 4, [0043]-[0045]**).

Regarding claims 2 and 9, Nakano teaches a media data audio-visual device, further comprising a metadata creating portion configured to enable a user to create metadata (**Database Generating Unit 25, Fig. 3, [0036], [0041], [0048]-[0049]**).

Regarding claim 3, Nakano teaches a media data audio-visual device wherein the metadata creating portion includes a disclosure selection tool configured to enable a user to designate whether created metadata is to be disclosed externally (**Changes made by the user are assigned a 1 if the changes are meant to be local or global – shared with others, [0093]**).

Regarding claims 4, 8, and 10-11 Nakano teaches a media data audio-visual device further comprising a search condition a inputting portion configured to enable a user to input search conditions for searching the external metadata (**User is able to search for metadata in the server, internet or other clients, [0053]-[0055], [0136]-[0160], [0163], [0175]. The user selects to see or not the results, as for example the URL treated in [0094]-[0095]**).

Regarding claim 5, Nakano teaches a media data audio-visual device, further comprising a synchronizing portion configured to extract characteristic data that is stored in the metadata, search for corresponding characteristic data in associated media data, and to synchronize the metadata with the associated media data to correct any time differences between the metadata and the media data caused by inaccurate

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time data in the metadata ([0146], where metadata is searched and synchronized with the video data to be displayed at the time of presentation).

Regarding claim 6, Nakano teaches a media data audio-visual device, wherein the audio-visual portion displays the metadata and the media data with corrected timing corrected by the synchronizing portion (Given that metadata includes index jumps, editing, etc, that refer to changes on the time of reproduction of the media [0035] and that metadata is played or shown paired to video content [0035], it is inherent that the time of presentation needs to be synchronized to the media content).

Regarding claim 13 and 14, Nakano teaches a metadata sharing system, wherein the server includes a metadata creator data storing portion configured to store metadata creator data identifying a creator of specific metadata (Given that a client makes its changes on metadata available to other clients, that all clients communicate to each other and that a server keeps track of all the metadata changes [0163]-[0169], it is inherent that the ID the client or any type of identifying info needs to be appended to the changes in order for the clients to contact the other clients) and incrementing a value associated with the metadata creator data each time the specific metadata is exchanged among the plurality of client media data audio-visual devices (Every time a client requests for metadata content, a counter is increased, and if the count surpasses a threshold value, a request for changing the metadata database at the server from a client is registered, [0166]-[0167]), and

wherein metadata creator data is added to the search request of the search request inputting portion **(As explained, if metadata is found to be at a client 1, it is inherent that client 2 has to request that metadata by addressing or adding client's 1 id in its search request).**

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim **12** is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakano et al. (hereinafter 'Nakano', Pub. No. 2003/0070173) in view of Wilf (Pub. No. 2001/0049826).

Regarding claim 12, Nakano teaches all the limitations of the claim it depends on. Nakano also teaches an interface to search for metadata corresponding to media **User is able to search for metadata in the server, internet or other clients, [0053]-[0055], [0136]-[0160], [0163], [0175]. The user selects to see or not the results, as for example the URL treated in [0094]-[0095]. For any search, it is inherent that there must be an interface to transmit user's inquiry to the content/metadata source).** On the other hand, Nakano does not explicitly teach being able to set a



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recording reservation to record the media data scheduled to be broadcast in the future using search results from the metadata searching portion.

However, in an analogous art, Wilf teaches a system that indexes and performs segmentation on video inputs and lets the user search for content through queries. Based on the result, a recording timer can be set for content that will be presented in the future, based on programming listings on the internet (Abstract, [0004], [0014]-[0015], [0038], [0068], [0082]).

Therefore, it would have been obvious to an ordinary skilled in the art at the time of the invention to have modified Nakano's invention with Wilf's setting recording timers on program listings matching user's queries for the benefit of letting the user watch the matching content in the case he/she is not at home to watch it.

6. Claims **15 and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakano et al. (hereinafter 'Nakano', Pub. No. 2003/0070173) in view of Vella et al. (hereinafter 'Vella', Pub. No. 2004/0098754).

Regarding claim 15, Nakano teaches a metadata sharing system, comprising:  
a plurality of client media data audio-visual devices each configured to display media data and metadata ([0175]); and

a server configured to exchange data among the plurality of client media data audio-visual devices (**Delivery server 10, Fig. 2; [0048]-[0055]**), wherein each of the plurality of client media data audio-visual devices includes:

an audio-visual portion configured to display the media data (**Video recorder 11, Fig. 2, connected to a display device, which displays media data as shown in Figs. 1 or input/output device 51, Fig. 13**);

a metadata creating portion configured to enable a user to create metadata corresponding to the media data (**Database Generating Unit 25, Fig. 3, [0036], [0041], [0048]-[0049]**);

a metadata storing portion configured to store the metadata (**Database 26, Fig.3; [0041]-[0042], [0046]-[0049]**); and

a communication portion configured to transmit the metadata created by the metadata creating portion (**Database Generating Unit 25, Fig. 3, [0036], [0041], [0048]-[0049]**) to the server and to receive metadata from the server to be stored in the metadata storing portion (**Communications Interface 44, Fig. 13; [0042]; [0175]**),

wherein the server includes a metadata storing portion configured to store the metadata transmitted from each of the plurality of client media data audio visual devices (**Database 34, Fig. 4, [0043]-[0045]**).

On the other hand, although Nakano teaches having the storing portion to contain the metadata description or messages created by users [0166], Nakano does not explicitly teach having a bulletin board configured such that created messages are posted by the plurality of client media data audio-visual devices, wherein the metadata creating portion is configured to associate created messages with a specified position in corresponding media data, and

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wherein the communication portion is configured to transmit the created messages to the server and the created messages are written to a bulletin board corresponding to the specified position.

However, in an analogous art, Vella teaches a system that enables regular users and other video/editing personnel to create video comments and relate them with specific moments of the video are stored at a server and can be displayed to a multiplicity of viewers ([0007], [0057]-[0059], [0063]-[0066]).

Therefore, it would have been obvious to an ordinary skilled in the art at the time of the invention to have modified Nakano's invention with Vella's system for storing and displaying user's comments or description to a multiplicity of clients for the benefit of having a more opinion-exchanging program-watching experience or for using those comments as search keywords if needed.

Regarding claim 16, the combined teachings of Nakano and Vella teach a metadata sharing metadata wherein the media data includes a plurality of portions, and wherein the server includes a bulletin board for each of the plurality of portions of the media data or a specific portion of at least one of the plurality of portions of the media data, the server being configured to determine an appropriate bulletin board from the specified position of one of the created messages and to write the one of the created messages to the appropriate bulletin board **(Vella: all the comment or metadata are entered in portions. In other words, each of them belong to a portion or piece of**

**the content and stored in portions in a storage system, [0057]-[0059], - where the repository of the messages represents the billboard).**

7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakano et al. (hereinafter 'Nakano', Pub. No. 2003/0070173) in view of Vella et al. (hereinafter 'Vella', Pub. No. 2004/0098754) as applied to claims 15 and 16 above, and further in view of Wilf (Pub. No. 2001/0049826).

Regarding claim 17, the combined teachings of Nakano and Vella teach all the limitations of the claim it depends on. On the other hand, the combined teachings of Nakano and Vella do not explicitly teach setting up a recording reservation for recording a program broadcast utilizing scheduled broadcasting data of the broadcasting program contained in a created message retrieved from the bulletin board.

However, in an analogous art, Wilf teaches a system that indexes and performs segmentation on video inputs and lets the user search for content through queries. Based on the result, a recording timer can be set for content that will be presented in the future, based on programming listings on the internet (Abstract, [0004], [0014]-[0015], [0038], [0068], [0082]).

Therefore, it would have been obvious to an ordinary skilled in the art at the time of the invention to have modified Nakano and Vella's invention with Wilf's setting recording timers on program listings matching user's queries for the benefit of letting the user watch the matching content in the case he/she is not at home to watch it.

8. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakano et al. (hereinafter 'Nakano', Pub. No. 2003/0070173) in view of Harada et al. (hereinafter 'Harada', Japanese Unexamined patent 2002-217894, cited by applicant as prior art in IDS filed on 10/15/2007).

Regarding claim 18, Nakano teaches a metadata sharing system comprising:  
a plurality of client media data audio-visual devices each configured to display media data and metadata ([0175]); and

a server configured to exchange data among the plurality of client media data audio-visual devices (**Delivery server 10, Fig. 2; [0048]-[0055]**),

wherein each of the plurality of client media data audio-visual devices includes:  
an audio-visual portion configured to display media data (**Video recorder 11, Fig. 2, connected to a display device, which displays media data as shown in Figs. 1 or input/output device 51, Fig. 13**);

a metadata creating portion configured to enable a user to create metadata corresponding to specific media data (**Database Generating Unit 25, Fig. 3, [0036], [0041], [0048]-[0049]**);

a metadata storing portion configured to store metadata(**Database 26, Fig.3; [0041]-[0042], [0046]-[0049]**);

a communication portion configured to transmit metadata created by the metadata creating portion (**Database Generating Unit 25, Fig. 3, [0036], [0041], [0048]-[0049]**) to the server and to receive the media data and the metadata from the server(**Communications Interface 44, Fig. 13; [0042]; [0175]**);.

On the other hand, Nakano does not explicitly teach wherein the server includes scrambled media data and associated metadata containing descrambling information for the scrambled media data to allow the scrambled media data to be viewed on at least one of the plurality of client media data audio-visual devices,

a descrambling portion configured to descramble the scrambled media data received from the server using the descrambling information contained in the metadata received from the server.

However, in an analogous art, Harada teaches sending metadata, from the server to clients, that includes information for decrypting the encrypted video such as keys for copyright protection (Abstract, [0004]-[0007], [0024], [0070]).

Therefore, it would have been obvious to an ordinary skilled in the art at the time of the invention to have modified Nakano's invention with Harada's metadata containing keys for decrypting the scrambled/encrypted content for the benefit of having control over the content and protect it from copyright infringement.

9. Claim **19** is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakano et al. (hereinafter 'Nakano', Pub. No. 2003/0070173) in view of Harada et al. (hereinafter 'Harada', Japanese Unexamined patent 2002-217894, cited by applicant as

prior art in IDS filed on 10/15/2007) as applied to claim 18 above, and further in view of Hori et al. (hereinafter 'Hori', Patent No. 7,209,942).

Regarding claim 19, the combined teachings of Nakano and Harada teach all the limitations of the claim it depends on. On the other hand, the combined teachings of Nakano and Harada do not teach that the metadata includes advertisement.

However, in an analogous art, Hori teaches a system that provides metadata matching with user profiles, in which the metadata includes or contains advertisement (commercials), col. 6 line 45-col. 7 line 5.

### ***Conclusion***

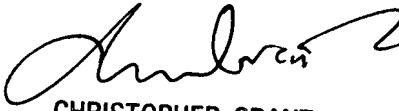
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Parra whose telephone number is 571-270-1449. The examiner can normally be reached on Under Academy Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OP



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